

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
3 AMARILLO DIVISION

4 SPECTRUM WT,)

5 Plaintiff,)

6 v.)

Case No. 2:23-cv-00048

7 WALTER WENDLER, in his)
8 official capacity as the)
9 President of West Texas)
10 A&M University, et al.,)

11 Defendants.)

12
13 -----
14 ORAL DEPOSITION OF TODD RASBERRY
15 DECEMBER 9, 2025 - CANYON, TEXAS
16 -----

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19
20 ORAL DEPOSITION OF TODD RASBERRY, produced as a
21 witness at the instance of the PLAINTIFF and duly sworn,
22 was taken in the above styled and numbered cause on
23 DECEMBER 9, 2025, from 9:02 a.m. to 9:57 a.m., at the
24 offices of WEST TEXAS A&M UNIVERSITY, Old Main Building,
25 Room 317, Canyon, Texas, before SHARON D. LIVINGSTON,
CSR-RPR, in and for the State of Texas, reported by
machine shorthand, and pursuant to the Federal Rules of
Civil Procedure.

A P P E A R A N C E S

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1 TODD RASBERRY,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. MORRIS:

5 Q. All right. Good morning, Dr. Rasberry. You
6 understand we're here to discuss issues surrounding
7 Spectrum WT's lawsuit challenging Dr. Wendler's decision
8 to cancel drag performances at West Texas A&M?

9 A. Yes.

10 Q. Okay. Just want to go over a few ground rules
11 for us before we start today's deposition.

12 Have you been deposed before?

13 A. No.

14 Q. Okay. So it's just three kind of basic rules
15 for you and I. Please listen to my question. If you
16 don't understand it, just say so, and I'll do my best to
17 clarify or rephrase it. If you don't ask me that
18 question, I'm going to just assume that you understand
19 what I'm asking you.

20 It's really important that you and I don't
21 talk over each other so the court reporter can take down
22 your answers accurately, take down my questions
23 accurately, and we can make a good record for the court.
24 So just pause a second to let me finish my question,
25 give your lawyer a chance to object, and I'll do my best

1 Q. Where did you start?

2 A. Texas Tech.

3 Q. What did you do at Tech?

4 A. I was the senior director for development in
5 the College of Arts and Sciences.

6 Q. Okay. And after Tech, where did you go?

7 A. Went to SMU.

8 Q. What did you do at SMU?

9 A. I was the associate dean for development at
10 Perkins School of Theology.

11 Q. And how about after SMU, where did you go?

12 A. Went to Georgetown College in Kentucky.

13 Q. And what did you do at Georgetown?

14 A. I was the vice president for development.

15 Q. And then after Georgetown, where did you go?

16 A. I came here.

17 Q. What year was that?

18 A. 2018.

19 Q. Okay. What's your current role at West Texas
20 A&M?

21 A. I'm the vice president for Philanthropy and
22 External Relations.

23 Q. Can you explain what your duties are in that
24 role?

25 A. In our office, we do alumni relations, the

1 marketing communication and branding for the university,
2 the fundraising. I also serve as executive director of
3 the West Texas A&M University Foundation, and we do all
4 the philanthropy services out of our office as well.

5 Q. What is the West Texas A&M University
6 Foundation?

7 A. It is a 501(c)(3) organization that does the
8 fundraising for West Texas A&M University.

9 Q. Are you familiar with the Hill Institute?

10 A. I am.

11 Q. Are you involved with operating and raising
12 funds for that as well?

13 A. Raising funds, yes. Operating, no.

14 Q. Who operates the Hill Institute?

15 A. I guess the president right now is the one. I
16 don't think it has any other employees unless something
17 has changed. I know it doesn't have any other employees
18 at this time. There are some faculty involved, and
19 there will soon be students as part of that as well.

20 Q. Okay. This might be an unfair question because
21 I don't think any of us have typical days, but do your
22 best to take me through your typical working day here
23 at West Texas A&M.

24 A. This is going to sound pretty boring probably.
25 I show up at 5:00 a.m. and go through my emails. My

1 goal is to have that empty before I start the day. I'll
2 deal with any issues that need to be dealt with.

3 On Mondays we have a leadership meeting. I
4 have five persons that are over divisions that report to
5 me. We'll have a meeting for about an hour, hour and a
6 half. They go to their tasks, I handle my tasks, and
7 they vary.

8 People walk in my office all day long, and
9 we deal with things as they come up, whether they're the
10 marketing, the branding, the fundraising pieces, and all
11 the duties that go along with those.

12 Q. Okay. What's your relationship with the Office
13 of the President here at West Texas A&M?

14 A. I report directly to the president.

15 Q. Okay. What do your duties involve in terms of
16 interfacing with Dr. Wendler?

17 A. Well, obviously, his fundraising portfolio is
18 my portfolio, so I handle those prospects. Anything
19 that deals with fundraising, obviously, I consult with
20 him and work directly with him. Issues related to
21 branding and marketing that he needs to be engaged in or
22 know about, I will keep him informed; otherwise, I run
23 the shop that he has hired me to run.

24 Q. Okay. Do you also help Dr. Wendler with his
25 weekly writings, whether it's an op-ed or a blog post or

1 a message to the university?

2 A. I do, for him and others at this institution,
3 what I call "technical editing," so I do that for him as
4 well.

5 Q. How long have you been doing that for
6 Dr. Wendler?

7 A. Since the day I arrived.

8 Q. Okay. Anything else you help Dr. Wendler with?

9 A. Anything he tells me to do.

10 Q. Do you help him with communications from the
11 president's office?

12 A. On the technical editing side, yes.

13 Q. Okay. Now, Dr. Wendler gives interviews to the
14 news here in the Panhandle and elsewhere.

15 You would agree with that?

16 A. I'm sorry?

17 Q. You would agree that he gives interviews here
18 to the news in the Panhandle and elsewhere?

19 A. Yes.

20 Q. Do you help prepare for those interviews?

21 A. I do not, but someone in my office does.

22 Q. Have you ever attended an interview with him?

23 A. Yes.

24 Q. Okay. We're here to talk about, in part,

25 Dr. Wendler's decision in March 2023 to cancel

1 Wendler, had he already decided whether or not he was
2 going to cancel the 2023 drag performance?

3 MS. AL-FUHAID: Objection; calls for
4 speculation.

5 MR. MORRIS: I'm asking just for his
6 knowledge, not for him to speculate.

7 A. Well, I would assume if he sent it to me, he
8 was certainly thinking about it.

9 Q. (BY MR. MORRIS) Okay. So is there any reason
10 you would have put "or planned but canceled" unless
11 President Wendler was thinking about canceling the drag
12 show at that time?

13 A. Ask that one more time.

14 Q. Sure. Is there any reason you would have
15 suggested this edit, "or planned but canceled," if
16 President Wendler was not planning to cancel the drag
17 show at that time?

18 A. I don't know.

19 Q. Would you have put "or planned but canceled" if
20 President Wendler was not considering whether to cancel
21 the drag show?

22 A. It's possible.

23 Q. And to be clear, you weren't suggesting to
24 President Wendler that he cancel the drag show based on
25 your view.

1 Is that true?

2 A. That is accurate, yes.

3 Q. And to your knowledge, the decision to cancel
4 Spectrum's 2023 drag show in Legacy Hall was exclusively
5 President Wendler's.

6 Is that fair?

7 A. Correct.

8 Q. All right. You can set that aside.

9 (Exhibit 33 marked.)

10 MR. MORRIS: I'm going to hand the
11 witness what's been marked as Exhibit 33, Bates stamped
12 SPECTRUM 0001042.

13 Q. (BY MR. MORRIS) Let me know when you've had a
14 chance to review this document, Dr. Rasberry.

15 A. Okay.

16 Q. This is an email chain between you and
17 Dr. Wendler on March 20th, 2023.

18 Is that correct?

19 A. Correct.

20 Q. And March 20th, 2023 is the same date on
21 Exhibit 3, the final email that President Wendler sent
22 to the university.

23 Is that right?

24 A. May I look at that?

25 Q. You absolutely may.

1 be prepared.

2 Q. Were you prepared for how donors would react to
3 President Wendler's decision?

4 A. I have to think about that constantly.

5 Q. Were you concerned that you might lose
6 donations from President Wendler's decision?

7 A. It can happen any time he makes a decision,
8 yes. Concerned about it? Don't know that that's the
9 right phrasing I would use. It is a possibility
10 always.

11 Q. Did you have any expectation that you might see
12 an increase in donations because of President Wendler's
13 decision?

14 A. My experience in fundraising has never been
15 that people run to make major gifts because of a
16 decision a president makes, so I was not anticipating
17 that, no.

18 Q. Okay. Do you know who Alex Fairly is?

19 A. I do.

20 Q. Fair to say he's an alumni of West Texas A&M?

21 A. Distinguished alumni, yes.

22 Q. Very successful businessman in the Panhandle?

23 A. Yes.

24 Q. And also, a significant donor to the
25 university?

1 various people, and you're copied on it.

2 Can you explain to me what this email chain
3 is?

4 A. It appears that it was an email that I sent to
5 the Campaign Leadership Committee telling them that we
6 had reached the initial public goal to raise
7 \$125,000,000.

8 Q. And this was for the One West Campaign that we
9 discussed?

10 A. Correct.

11 Q. And you see this email chain is dated April
12 11th, 2023?

13 A. Correct.

14 Q. Do you think Dr. Wendler's decision to cancel
15 the drag performance in Legacy Hall in 2023 played a
16 role in helping WT reach its goal in the One West
17 Campaign?

18 A. I have no reason to believe that. My
19 experience in fundraising would tell me that's very
20 unlikely.

21 Q. After President Wendler canceled the 2023 drag
22 performance on March 20th, did you have any discussions
23 with donors about their reaction to President Wendler's
24 decision?

25 A. I don't remember any specific conversations.

1 I remember there were people who supported his decision,
2 and I remember there were people who did not support his
3 decision, but I don't remember having a specific
4 conversation, though.

5 Q. Do you remember receiving any emails or text
6 messages from donors either supporting or criticizing
7 the president's decision?

8 A. I don't remember that, no.

9 Q. We talked a little bit earlier about the Hill
10 Institute. Can you explain a little bit more about what
11 the Hill Institute is?

12 A. It is an academic institute which is designed
13 to look at ten values that were drawn from works from
14 the second president of West Texas A&M University,
15 Dr. Hill, who served the longest.

16 They're sometimes referred to as
17 "Panhandle values, Texas values, American values, ten
18 specific values," and the idea is to create an institute
19 at the university that allows faculty and students
20 across colleges to engage in conversation and debate
21 about how these values influence and impact education,
22 academic disciplines, life, society. That's my best
23 description.

24 Q. (BY MR. MORRIS) And you mentioned some labels
25 for those values. Is it also fair to say that in

1 Q. Okay. When was the Hill Institute announced?
2 Was that in September of 2023?

3 A. We made the gift announcement then, yes.

4 Q. Okay. You can set that aside.

5 You're aware that Dr. Wendler also canceled
6 a planned drag-show performance at Legacy Hall in 2024?

7 A. I seem to recall that to be the case, yes.

8 Q. Did he ask you to help draft an email or
9 announcement of that cancellation?

10 A. No.

11 Q. Did he discuss his decision to cancel that show
12 in 2024 with you?

13 A. No.

14 Q. After he made that decision, did you hear from
15 any donors whether they disagreed or supported
16 Dr. Wendler's decision?

17 A. I do not recall hearing from anybody, no.

18 MR. MORRIS: I have no further questions.
19 Pass the witness.

20 MS. AL-FUHAID: I don't have any cross.

21 MR. MORRIS: Okay. We're done.

22 (Off record 9:57 a.m.)
23
24
25

CHANGES AND SIGNATURE
ORAL DEPOSITION OF TODD RASBERRY
DECEMBER 9, 2025

3	PAGE / LINE	CHANGE	REASON
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1 I, TODD RASBERRY, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct except as noted above.

4
5
6 TODD RASBERRY

7 THE STATE OF _____)

8 COUNTY OF _____)

9
10 Before me, _____, on this day
11 personally appeared TODD RASBERRY, known to me (or
12 proved to me under oath or through
13 _____) (description of identity card
14 or other document) to be the person whose name is
15 subscribed to the foregoing instrument and acknowledged
16 to me that they executed the same for the purposes and
17 consideration therein expressed.

18 Given under my hand and seal of office this _____
19 day of _____, _____.

20
21
22 NOTARY PUBLIC IN AND FOR
23 THE STATE OF _____
24 COMMISSION EXPIRES: _____
25

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF TEXAS
3 AMARILLO DIVISION

4 SPECTRUM WT,)

5 Plaintiff,)

6 v.)

Case No. 2:23-cv-00048

7 WALTER WENDLER, in his)
8 official capacity as the)
9 President of West Texas)
10 A&M University, et al.,)

11 Defendants.)

12 REPORTER'S CERTIFICATION
13 ORAL DEPOSITION OF TODD RASBERRY
14 DECEMBER 9, 2025 - CANYON, TEXAS

15 I, SHARON D. LIVINGSTON, Certified Shorthand
16 Reporter in and for the State of Texas, hereby certify
17 to the following:

18 That the witness, TODD RASBERRY, was duly sworn by
19 the deposition officer and that the transcript of the
20 deposition is a true record of the testimony given by
21 the witness;

22 That pursuant to information given to the
23 deposition officer at the time said testimony was taken,
24 the following includes counsel for all parties of
25 record:

Mr. JT Morris and Mr. Adam Steinbaugh, Attorneys
for Plaintiff;

Mr. David Bryant and Ms. Munera Al-Fuhaid,

1 Attorneys for Defendants;

2 That the amount of time used by each party at the
3 deposition is as follows:

4 MR. MORRIS - 00 HOURS: 42 MINUTES

5 That the sworn deposition transcript was duly
6 submitted on DECEMBER 20, 2025 to the witness or to the
7 attorney for the witness for examination, signature, and
8 return to the deposition officer by JANUARY 23, 2026;

9 That the original deposition was/was not returned
10 to the deposition officer on JANUARY 23, 2026;

11 If returned, the attached Changes and Signature
12 page contains any changes and the reasons therefor;

13 If returned, the original deposition was delivered
14 to Mr. Adam Steinbaugh, Custodial Attorney, and \$855.00
15 is the deposition officer's charges to the PLAINTIFF for
16 preparing the original deposition and any copies of
17 exhibits;

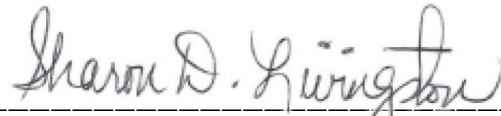
18 I further certify that I am neither counsel for,
19 related to, nor employed by any of the parties or
20 attorneys in the action in which this proceeding was
21 taken, and further, that I am not financially or
22 otherwise interested in the outcome of the action.

23

24

25

1 Certified to by me this _____ day of _____,
2 2025.

3
4
5 

6 SHARON D. LIVINGSTON TEXAS CSR 3798
7 Expiration Date: 04-30-26
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